

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America,
Plaintiff,

v.

Civil No. 04-254-JD

John Burke,
Echelon Construction, LLC.,
Defendants,

and

Citizens Bank,
Garnishee.

ORDER TO RELEASE FUNDS AND TO
QUASH WRIT OF CONTINUING GARNISHMENT

On June 1, 2009, a Writ of Continuing Garnishment and Clerk's Notice of Continuing Garnishment were issued in the above-captioned action by James R. Starr, Clerk, United States District Court. In accordance with the terms of the Writ of Continuing Garnishment, on June 4, 2009, John Burke's checking account held by Citizens Bank, Concord, New Hampshire, was levied on by the United States of America. Copies of the Application, Clerk's Notice and Writ of Continuing Garnishment were received by defendant, John Burke, by certified mail, return receipt, on June 16, 2009.

Pursuant to 28 U.S.C. §3202(d), the defendant had twenty days to request a hearing after receiving the Notice and Writ. Defendant having failed to request a hearing within the time allowed, it is

ORDERED that funds in the amount of \$208.81, plus any interest from the date of levy until the current date, seized on June 4, 2009, from an account in the name of John Burke, which are in the possession, custody or control of Citizens Bank, Concord, New Hampshire, be released to the United States of America. Said funds should be made payable to U.S. Department of Justice and sent to U.S. Attorney's Office, 53 Pleasant Street, 4th Floor, Concord, NH 03301; and

ORDERED that the Writ of Continuing Garnishment issued on June 1, 2009, to Citizens Bank, is hereby quashed.

IT IS SO ORDERED.

/s/ Joseph A. DiClerico, Jr.
U.S. District Court Judge

DATED: August 6, 2009

cc: Michael T. McCormack, AUSA
John Burke, pro se defendant
Citizens Bank